

COUNTY OF SAN DIEGO, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject

Establishment of Assessment Districts to Provide for Public Improvements and Facilities for Sanitary Sewers

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Purpose

To establish conditions for the use of Assessment Act proceedings for the construction of public improvements and facilities for sanitary sewers in unincorporated areas of the County.

Background

Where development in any urban type area has occurred without necessary public improvements and facilities for sanitary sewers creating problems involving public health, safety, or welfare, the County has a responsibility to provide for the construction of these improvements and facilities. One method of providing for these improvements is through Assessment Act proceedings. These proceedings may also be used when property owners wish to provide for these local improvements.

Policy

It is the policy of the Board of Supervisors that:

FORMATION

1. When property owners desire to have improvements constructed through an Assessment Act procedure, the Board of Supervisors may make these procedures available where owners of more than 60 percent (60%) of the area of the property to be assessed for the improvement submit petitions requesting that such procedures be instituted; or
2. Where land has developed in an urban type area without necessary public improvements and facilities for sanitary sewers and where the lack of these improvements and facilities constitutes a detriment to public health, safety, and welfare, the County may initiate Assessment Act proceedings to provide for the construction of these improvements and facilities, when recommended by the Health Officer.

COSTS

All costs for acquisition and improvements, including incidental expenses, shall be borne by the owners of benefiting property.

PROTESTS

The Board will proceed with the formation of the Assessment District unless ballots received at the public hearing and not withdrawn represent a majority protest. A majority protest exists if ballots submitted in opposition to the assessment exceed ballots in favor

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of the assessment. In tabulating, the ballots shall be weighted according to the proportional financial obligation of the affected properties. In no case may a majority protest be overruled by the Board of Supervisors.

EXCEPTIONS

The Board recognizes that it is not possible to anticipate all situations that may arise and that from time to time the Board may make exception when the application of the policy would result in unusual and unreasonable hardship.

PROCEDURE

The Department of Public Works will administer all proceedings necessary for the implementation of the policy.

Sunset Date

This policy will be reviewed for continuance by 12-31-09.

Board Action

5-12-70 (73)

6-15-70 (75)

12-11-84 (10)

8-8-89 (33)

8-11-98 (32) deleted

11-17-99 (11)

08-07-02 (5)

CAO Reference

1. Department of Public Works
2. Department of Environmental Health